example Fig. 15) the movable plate (131) and the snap acting thermally responsive member (80) are connect electrically in parallel and, therefore, will split the electrical current between the stationary member (90) and the movable contact (77) substantially equally."

Applicants respectfully request that this rejection be withdrawn. The drawings of the structure are used to diagrammatically show the structure of the invention, with the specification providing specifics of the structure and operation.

Paragraphs 0008 and 0009, 0057 and 0058 clearly provide respectively that "the thermally responsive member of the protector is not part of the main circuit path" (0008), the thermally responsive member is loosely fitted inside the window (0009), the current path is formed between pin 31 and pin 32 through stationary contact 40, movable plate 70, housing 10, header 30 and heater 50, thereby supplying electric power to the motor (0057) and bimetal disc 80 has it base part 81 fixed in cantilever fashion as described earlier, with its tip 83a being freely or loosely inserted inside window 76. As set forth above, the above-described disclosure clearly describes that the movable plate is primary current carrying member between said stationary member and said movable contact. That is, the current path is formed between pin 31 and pin 32 through stationary contact 40. Movable plate 70, stationary member 90/housing 10, header 30 and heater 50 and the thermally responsive member is not part of the main circuit path. The thermally responsive member has its tip loosely/freely fitted inside the window of the movable plate, further showing that it would not be part of the primary/main current path as there would be, at best, inconsistent current continuity. Accordingly, Applicants respectfully maintain they have met the enablement requirements.

The examiner rejected claims 6 and 11 under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent 5,107,241 to Ubukata et al. Applicants respectfully request that this rejection be withdrawn. The present invention, as set forth in claims 6 and 11, clearly is not anticipated by the cited art or obvious in view of it.

As cited in previous Amendment A, the Ubukata et al. reference does generally show a protector product. It clearly does not show an electrically conductive movable plate (17) which is connected to housing 6 (I mistakenly mentioned it did in my Amendment A response), but rather, at best, shows movable plate 17 connected to header 1. Additionally, movable plate 17 is an arc barrier positioned between thermally responsive element 16 and movable contact 16a for protecting the thermally responsive element 16 from arcing. This plate 17 is not a "movable" plate (it is a stationary plate) in the Ubukata et al. reference, and is not a primary current carrying member between said stationary member and the movable contact. Clearly the Ubukata et al. reference does not anticipate independent claim 6.

In view of the above, it is believed that independent claim 6 is in condition for allowance. Claim 11 depends from claim 6, and also should be in condition for allowance for the reasons set forth above for claim 6.

Applicants note with appreciation the indication of the allowability of claims 7-10 and 12-16 if rewritten in independent form. Claims 7-10 and 12-16 depend from claim 6, and for the reasons stated above for claim 6, they are believed to be in condition for allowance; and accordingly, they need not be rewritten in independent form to gain allowability.

For the above reasons, reconsideration by the Examiner, allowance of the claims as now presented and passing of the case to issuance are respectfully solicited.

Respectfully submitted,

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MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 today.

10/7/05

Russ~~ell~~ E. Baumann
Date